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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/056,629 | 01/24/2002 | David Izatt | 0A612-62720 | 6444 |

7590 09/20/2005

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| EXAMINER |
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REVAK, CHRISTOPHER A

| ART UNIT | PAPER NUMBER |
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2131

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|-------------------------------------|--|
| Office Action Summary | Application No. 10/056,629 | Applicant(s) IZATT, DAVID | |
| | Examiner Christopher A. Revak | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements submitted on October 8, 2004 and January 24, 2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: what is done with the copied data packets at the firewall. The claims later recite that the data packets are analyzed by the firewall, but no action is performed on the copied data packets.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al, U.S. Patent 6,400,707 in view of Shwed, U.S. Patent 5,606,668.

As per claims 1,6,9, and 14, Baum et al discloses of a method for preventing unauthorized access to a computer system (col. 2, lines 38-40). A data packet is received at the firewall and it is passively copied at the firewall (col. 5, lines 60-63 and col. 6, lines 9-19). The teachings of Baum et al disclose of the use of a firewall to filter packets against security rules, the teachings fail to explicitly disclose of analyzing the packets to determine if they are authorized to access a computer system, sending authorized packets to the computer system, and denying access to unauthorized data packets. The teachings of Shwed detail the functions of a firewall by disclosing that data packets are analyzed to determine if the data packets are authorized to access the computer system based on security rules. If it is determined that they are authorized, they are passed to the destination, being the computer system. If it is determined that they violate the security rule, the unauthorized data packets are denied access to the destination, being the computer system (col. 7, lines 18-40). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated in applying the use of security rules that which determine if data packets are to be passed or blocked based on comparison against the security rules. Shwed recites of motivation for the determination against security rules by disclosing of the need to have a flexible and easily alterable security method that controls the flow of information

into a network by examiner every packet of information flowing past a node to and from the network (col. 1, lines 58-67). It is obvious that the teachings of Baum et al would have found the teachings of Shwed beneficial since all information to and from a network would be examined to determine if it was in violation of security rules.

As per claims 2,7,10, and 15, it is taught by Shwed of dropping the unauthorized data packets (col. 7, lines 17-30). Please refer above for the motivation of applying the teachings of Shwed to the disclosure of Baum et al.

As per claims 3 and 8, Shwed discloses of logging the attempted access to the computer system of the unauthorized data packet (col. 4, lines 33-39). Please refer above for the motivation of applying the teachings of Shwed to the disclosure of Baum et al.

As per claim 4, Baum et al discloses that the computer system is a network (as shown in Figure 3).

As per claim 5, it is disclosed by Shwed that the data packet is analyzed by a pattern matching system (col. 7, lines 18-40). Please refer above for the motivation of applying the teachings of Shwed to the disclosure of Baum et al.

As per claim 11, Shwed teaches that the data packet is analyzed for a password (col. 5, lines 6-13 and col. 7, lines 17-20). Please refer above for the motivation of applying the teachings of Shwed to the disclosure of Baum et al.

As per claim 12, it is disclosed by Shwed that the data packet contains a false origination address (col. 5, lines 6-13 and col. 7, lines 17-20). Please refer above for the motivation of applying the teachings of Shwed to the disclosure of Baum et al.

As per claim 13, the teachings of Baum et al recite that the data packet contains a destination address that is protected by the firewall (col. 6, lines 51-62).

Conclusion

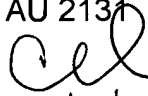
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR

September 18, 2005

Christopher Revak
Primary Examiner
AU 2131

9/18/05